



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

October 9, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 22, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny your application for School Clothing Allowance (SCA) for failure to verify assets.

In arriving at a decision, the State Hearings Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the SCA program is based on current policy and regulations. These regulations provide that verification of assets is required for the SCA program (WV Income Maintenance Manual § 4.2 A).

The information submitted at your hearing revealed that you did not verify the balance of your checking account and failed to reapply prior to the closure of the SCA program.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to deny your application for SCA for failure to verify assets.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Board of Review
Michelle Jones, Economic Service Worker

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

-----,

Claimant,

v.

Action Number: 09-BOR-1712

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on September 22, 2009 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on September 22, 2009 on a timely appeal, filed August 18, 2009.

II. PROGRAM PURPOSE:

The Program entitled School Clothing Allowance (SCA) is administered by the West Virginia Department of Health & Human Resources.

The WV WORKS School Clothing Allowance (SCA) Program is designed to provide clothing assistance for school age children. These children must be foster children or recipients of WV WORKS during the month of July. The West Virginia School Clothing Allowance (WVSCA) provides clothing assistance for school age children in families who do not wish to apply or are not financially eligible for WV WORKS but whose income is equal to or less than 100% of the Federal Poverty Level.

III. PARTICIPANTS:

-----, Claimant
Heather Walker, Economic Service Worker

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether or not the Department correctly denied Claimant's application for SCA.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Chapter 15 Appendix B, § 4.2 A and 11.4 C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Department's Summary
- D-2 Combined Application Form dated March 13, 2009
- D-3 Rights and Responsibilities Form dated March 13, 2009
- D-4 Verification Checklist Form dated March 13, 2009
- D-5 Case Comments (CMCC) from RAPIDS Computer System
- D-6 Medicaid Denial Notification Letter dated April 16, 2009
- D-7 SCA Denial Notification Letter dated June 27, 2009
- D-8 Correspondence from [REDACTED] to Policy Unit
- D-9 WV Income Maintenance Manual Chapter 15 Appendix B, § 4.2 A, 11.4 C and SCA Functionality in RAPIDS

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant was automatically evaluated for SCA in June 2009 as she was an active recipient of Supplemental Nutrition Assistance Program (SNAP) benefits. The Department issued a denial notification letter dated June 27, 2009 which read in pertinent parts (D-7):

Our records indicate you requested that your case be evaluated for participation in the School Clothing Allowance program that is administered for the month of July 2009. We have determined that you are not eligible for this program.

You did not turn in all requested information. The following information was not verified:

Checking account - Proof of the value of this asset.

- 2) Claimant applied for AFDC-Related Medicaid and SNAP in March 2009. The application was pended for verification of her checking account. The application was denied in April 2009 when the Department had not received the verification. Claimant

was subsequently approved for Poverty Level Pregnancy Medicaid which has no asset test (D-1, D-2, D-4 and D-5).

The Department contends the RAPIDS computer system still held a “NV” for not verified for Claimant’s checking account. As the amount of this asset had never been verified, Claimant was denied SCA when the RAPIDS computer system evaluated cases for SCA eligibility in June 2009.

- 3) Claimant contacted the Department in August 2009 regarding the denial of the SCA. Intake for SCA applications ended July 31, 2009, by which time Claimant had failed to reapply for SCA (D-1 and D-6).
- 4) Claimant testified that she had been having problems getting her mail and did not receive the SCA denial letter until the end of July 2009. She called her worker about SCA the first part of August 2009.

Claimant stated her checking account with [REDACTED] Bank was closed in 2008, after having a negative balance for a year. Her account was in the bank’s archives and she had been unsuccessful in her attempts to get verification that the account was closed. Claimant stated she advised her worker of this when she applied for SNAP and Medicaid in March 2009.

- 5) WV Income Maintenance Manual § 4.1 A states:

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.

- 6) WV Income Maintenance Manual § 4.2 A states:

Verification Requirements (Assets)

Bank Accounts, CDs and other Liquid Assets: All programs and coverage groups subject an asset test.

- 7) WV Income Maintenance Manual Chapter 15 Appendix C § A states:

Active SNAP AGs [Assistance Groups] who have indicated “Yes” to the question “Does your household choose to be evaluated for automatic issuance of SCA should you be determined eligible?” on RAPIDS screen ASEQ by 6/26/09 will not be mailed WVSCA application forms unless there is a child in the case who is less than 5 or older than 15.

- 8) WV Income Maintenance Manual Chapter 15 Appendix C § J states:

The asset limit is \$2000.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant failed to provide verification of her checking account when she applied for AFDC-Related Medicaid and SNAP in March 2009. Claimant was approved for SNAP and subsequently Poverty Level Pregnancy Medicaid as there is no asset limit for these programs.
- 2) Claimant was automatically evaluated for eligibility for SCA in June 2009 and was denied because she had never provided verification of her checking account to the Department since her case was opened in March 2009.
- 3) Claimant testified that she did not receive her denial letter until July 2009 but did not inquire about the denial until August 2009, at which time the SCA program had ended. Claimant had not reapplied for SCA in July 2009.
- 4) Claimant was aware of the SCA denial prior to the closing of the program and failed to reapply. Claimant's application for SCA was correctly denied.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's SCA application for failure to verify assets.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 10th day of October 2009.

**Kristi Logan
State Hearing Officer**